

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

LORI ANN BURLESON,

Defendant.

Case No. 6:19-CR-03131-MDH

ORDER

Before the Court is Defendant's pro se motion for compassionate release. (Doc. 102). In 2020, Defendant pled guilty to conspiracy to distribute 50 grams or more of methamphetamine in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A). (Doc. 57). Defendant was sentenced to 138 months' imprisonment. Defendant's projected release date is March 14, 2028. Defendant moves the Court for release based on the so-called "triple pandemic" (flu, RSV, and COVID-19), Defendant's chronic health problems, and inadequate medical care. (Doc. 102 at 1). Specifically, Defendant claims to suffer from hepatitis c, obesity, and seizures. (Doc. 102 at 12).

The Government opposes Defendant's Motion. The government states that Defendant has not alleged facts that show extraordinary and compelling reasons to warrant a reduction and that Defendant remains a danger to the community. (Doc. 105). The Government's briefing includes extensive medical records showing a history of regular treatment, cutting against Defendant's claim that she has received inadequate medical care while incarcerated. Defendant's medical records also indicate, though she was diagnosed with hepatitis c in March 2020, Defendant underwent treatment and the illness was declared resolved by September 2022. (Doc. 105-1 at 124). Further, as the Government notes, a claim against the Government for inadequate care is

most appropriately brought in a *Bivens*-type lawsuit. *See Buford v. Runyon*, 160 F.3d 1199, 1203 (8th Cir. 1998) (“A *Bivens* claim is a cause of action brought directly under the United States Constitution against a federal official acting in his or her individual capacity for violations of constitutionally protected rights”).

After careful consideration of the record before the Court, including the arguments contained in the Government’s response, the Court hereby **DENIES** Defendant’s motion. The Court finds that Defendant has not established that her condition, including health condition, is so extraordinary or compelling that she should be immediately released.

IT IS SO ORDERED.

DATED: March 30, 2023

/s/ Douglas Harpool
DOUGLAS HARPOOL
UNITED STATES DISTRICT JUDGE